

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

AUDRA HOVER, as Administrator ad
Prosequendum for the Estate of EDWARD
CASTELLANO, a deceased minor, and AUDRA
HOVER, individually,

Plaintiff,

v.

JANICE LAURINO, et al.,

Defendants.

:
:
: Civil Case No. 08-4944 (FSH)
:
:

OPINION & ORDER

:
: Date: March 4, 2009
:
:
:
:
:
:

HOCHBERG, District Judge.

This matter comes before the Court upon a Motion to Dismiss filed by Defendant Morris County Sheriff's Department and Defendant Morris County Correctional Facility (the "Morris County Defendants") pursuant to Fed. R. Civ. P. 12(b)(6) (Docket # 9); and

it appearing that Defendants purport to establish that Plaintiff has no cause of action against these Defendants and that all claims against the Morris County Defendants should be dismissed; and

it appearing that Defendants have failed to present arguments addressing the claims Plaintiff has asserted under the New Jersey State Constitution; and

it appearing that Plaintiff has failed to respond to Defendants' motion in any manner,

IT IS on this 4th day of March , 2009,

ORDERED that the Motion to Dismiss filed by the Morris County Defendants is hereby **TERMINATED**; and it is further

ORDERED that Defendants may re-file a Motion to Dismiss, fully addressing all claims for which they seek dismissal, on or before **March 13, 2009**; and it is further

ORDERED that Plaintiffs may file either opposition papers or a statement that Defendants' motion shall be considered without opposition on or before **March 23, 2009**; and it is further

ORDERED that Defendants may file reply papers on or before **March 30, 2009**; and it is further

ORDERED that the re-filed Motion to Dismiss will now be returnable on **April 6, 2009**.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.